REMARKS

Claims 2-16 were pending as of the action mailed on July 28, 2005.

Claims 2, 6, 10, 12, and 13 are being amended, and claims 17-20 are new claims. No new matter has been added. Support for the new claims is found at least on page 25, line 15 to page 26, line 16.

Reexamination and reconsideration of the action are requested in light of the foregoing amendments and the following remarks.

Section 103

Claims 2-16 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 6,754,715 to Cannon, et al. ("Cannon") in view of U.S. Patent No. 5,005,099 to Perryman, et al. ("Perryman"). The applicant respectfully traverses the rejection.

Cannon describes a method for streaming digital video using either of two streams – a play stream or a fast-forward stream. *See* column 5, line 57 to column 6, line 5. Both streams are created from the same source video, but the fast-forward stream is configured to optimize quality and bit rate when a user chooses to fast-forward the video information. *See* column 11, lines 7-10 and column 6, lines 15-21.

Perryman describes an apparatus that prevents the fast-forwarding of video at the beginning of a video tape. *See* column 1, lines 58-61. An arm mounted to the video tape cassette moves when the video tape is fast-forwarded and causes the playback of the video to stop. *See* column 2, lines 34-43. The length of the arm and the number of degrees it rotates determines how many minutes of video at the start of the video tape a user will be prevented from fast-forwarding. *See* column 2, lines 48-52.

Claim 2 recites a method for transmitting streaming video data. The video is streamed to a user from data storage and includes previously-stored first video data and second video data. A request to fast-forward the video is received, and an attempt to bypass the second video data is detected. Notwithstanding the request to fast-forward, the second video data is streamed to the user.

The combination of Cannon and Perryman does not teach or suggest streaming a video that includes previously-stored first and second video data where a request to fast-forward the video is received, an attempt to bypass the second video data is detected, and, even in the presence of the request to fast-forward the video, the second video data is streamed to the user. Cannon simply discloses that if future video has not been recorded, the streaming video cannot be fast-forwarded past the existing video. Perryman discloses stopping the playback of video entirely when an attempt is made to fast forward a video tape before a certain amount of playback time has elapsed from the start of the tape. In contrast, in the method of claim 2, second video data is streamed to a user even in the presence of a request to fast-forward the video. The video playback is not simply halted when a fast-forward request is received, as occurs in Perryman's system. For at least these reasons, claim 2 and dependent claims 3 and 4 are allowable over the combination of Cannon and Perryman.

Claim 5 depends from claim 2 and additionally recites storing a pointer to a location of the second data on data storage. Neither Cannon nor Perryman suggests or discloses storing a pointer to a location of data. The sections of Cannon cited by the Examiner discuss packet numbers and time stamps, not the location of data in data storage. For at least these reasons and the reasons set forth with respect to claim 2, claim 5 is allowable over the combination of Cannon and Perryman.

Claim 6 recites a video streaming system that includes a module that reads video data from first and second portions of a virtual partition, where the first portion contains previously-stored first video data, and the second portion contains previously-stored second video data. The module is configured to detect an attempt by a user to bypass the second video data with a fast-forward request and, even in the presence of the fast-forward request, to route the second video data to the user.

Cannon does not suggest or disclose a system including a module that detects an attempt to bypass, with a fast-forward request, previously-stored video data from a portion of a virtual

partition and routes the video data to the user, the fast-forward request notwithstanding. Indeed, Cannon does not mention virtual partitions or routing previously-stored video data to a user despite a fast-forward request. Perryman has no notion of virtual partitions either, and Perryman halts video playback in response to a fast-forward request instead of routing video data to a user regardless of a fast-forward request. For at least these reasons, claim 6 and dependent claims 7-9 and 11 are allowable over the combination of Cannon and Perryman.

As amended, claim 10 depends from claim 6 and additionally recites that a pointer on the first portion of the virtual partition specifies the location of the data for the video that is stored on the second portion of the virtual partition. Neither Cannon nor Perryman suggests or discloses specifying with a pointer a location of data on a virtual partition. The sections of Cannon cited by the Examiner discuss packet numbers and time stamps, not the location of data on a virtual partition. For at least this reason and the reasons set forth with respect to claim 6, claim 10 is allowable over the combination of Cannon and Perryman.

As amended, claim 12 recites a storage stack that includes a file system that accesses data stored on one or more data storage devices, a disk strategy module that reads data from and writes data to a disk, and a virtual partition strategy module. The file system is configured to communicate with the disk strategy module through the virtual partition strategy module, and the virtual partition strategy module is configured to ignore a request to fast-forward through an advertisement in streaming data.

The sections of Cannon that the Examiner cites merely mention header information for video packets and conventional data storage devices such as floppy disk drives and hard disk drives. Cannon does not discuss the details of a file system that interfaces with the disk drives and certainly does not suggest or disclose a storage stack including a file system that communicates with a disk strategy module through a virtual partition strategy module. Perryman is even further from the mark. Perryman's apparatus does not include a file system, and it

certainly does not include a disk strategy module or a virtual partition strategy module. For at least these reasons, claim 12 is allowable over the combination of Cannon and Perryman.

Claim 13 recites a computer program product with features corresponding to those of claim 2. For at least the reasons set forth above with respect to claim 2, claim 13 and dependent claims 14 and 15 are allowable over the combination of Cannon and Perryman.

Claim 16 recites a computer program product with features corresponding to those of claim 5. For at least the reasons set forth above with respect to claim 5, claim 16 is allowable over the combination of Cannon and Perryman.

Conclusion

For the foregoing reasons, the applicant submits that all the claims are in condition for allowance.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce in other positions that have not been explicitly addressed. In addition, the applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

Please apply any charges or credits to deposit account 06-1050.

Applicant : Pothapragada et al.   Attorney's Docket No.: 07575-033002 / P01.1902.02
Serial No. : 10/068,352
Filed   : February 4, 2002
Page   : 10 of 10

Respectfully submitted,

Date: *October 28, 2005*   _____

                                            Clinton J. Martin
                                            Reg. No. 56,407

Customer No.: 26181
Fish & Richardson P.C.
Telephone: (650) 839-5070
Facsimile: (650) 839-5071

50308126.doc